

REMARKS

This amendment is responsive to the final Office Action mailed August 5, 2010, and is filed concurrent with a Request for Continued Examination.

In the Office Action, Claims 1, 4, 19, 21, 23, 26, and 27 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over DE 198 32 757 (hereinafter "Juergen") in view of DE 198 30 844 (hereinafter "Wolfgang").¹ Claims 2 and 20 were rejected as allegedly being unpatentable over Juergen and Wolfgang in view of U.S. 6,193,422 (hereinafter "Belt"), while Claims 22, 24, and 25 were rejected as allegedly being unpatentable over Juergen and Wolfgang in view of U.S. 2004/0135701 (hereinafter "Yasuda"). Applicants have carefully considered the cited references and in view of the amendments and arguments presented herewith, applicants respectfully traverse the claim rejections.

Interview Summary

Prior to discussing the patentability of the claims, applicants thank the Examiner Tran and Examiner Ralis for the time and consideration they extended in a telephone interview with the undersigned counsel on October 6, 2010. During the interview, the nature of the claimed invention was discussed. The interview focused primarily on Claims 1 and 22, and how the claims are patentably distinguished over the cited Juergen and Wolfgang references. Applicants thank the Examiner for the suggestions that were made for further structurally defining the claimed invention. The amendments presented herewith are believed to be in line with the Examiner's suggestions.

¹ The surname of the first inventor of DE 198 32 757 is Leikam, but in the Office Action, the Examiner referred to the reference by the first name of the inventor (Juergen). Likewise, the surname of the first inventor of DE 198 30 844 is Beifuß, but in the Office Action, the Examiner referred to the reference by the inventor's first name (Wolfgang). For consistency with the Office Action, applicants' arguments submitted herewith also refer to the references by the inventors' first names "Juergen" and "Wolfgang."

Status of the Claims

While applicants respectfully disagree with the claim rejections set forth in the Office Action, applicants desire to advance the prosecution of the present application and have therefore amended Claims 1 and 22 to further clarify the claimed cooking device. Applicants have also added new Claims 28 and 29 to further define features set forth in amended Claim 1. Claim 25 has been canceled in view of amended Claim 1. Claims 1, 2, 4, 19-22, 24, and 26-29 are thus now pending in the application. Reconsideration and allowance of the application is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103 - Juergen and Wolfgang

The Office Action (page 3) presently acknowledges, and applicants agree, that Juergen fails to disclose "where the cooking parameter is automatically preset as a function of the location of the cooking device and/or as a function of a selected operating language of the cooking device." To remedy the deficiency of Juergen, the Office Action relied on the disclosure of Wolfgang (DE 198 30 833), but this reliance on Wolfgang is misplaced. Wolfgang is also deficient such that the combination of Juergen and Wolfgang does not support a *prima facie* basis for rejecting the claims.

Prior to discussing the deficiencies of Wolfgang, applicants point out that Juergen does not disclose a cooking parameter "having a value that reflects at least one of a geographic location of a cooking device and a selectable operating language of the cooking device," as claimed in amended Claim 1. According to Juergen, a code name or term is selected in order to display a cooking parameter in different languages, depending on the preferred language of the operator of the device. However, the language used for displaying a cooking parameter *has no influence* on the value of the cooking parameter itself which, according to Claim 1, "defines an environmental cooking condition inside the cooking device for the predetermined cooking program or predetermined cooking mode of operation."

The value of a cooking parameter may be set to define, for example, a temperature, humidity, and/or time of cooking, as recited in dependent Claim 28. For example, in the case of a core temperature, the value of the cooking parameter may be x° Celsius or Fahrenheit. The parameter (core temperature) may reflect a geographic location and/or selected language by adapting the value x, for example, by substituting the value y in France or the value z in Germany for the value x. The value x, y, or z of the core temperature influences the cooking result, whereas the language used on a display to describe the core temperature does not have any impact on the cooking result.

At page 9, lines 5-14, the application as filed provides the following example:

As it will be understood by a person skilled in the art, for the cooking parameters shown in Figure 4, suitable temperature values are established. Hereby the corresponding preadjustment can be specific for the country, that is, it can depend on the location. Thus, for example, in Germany the selection of "rare" is achieved by setting the core temperature to a desired core temperature of, for example, 65°C, while for the setting "well-done," a core temperature of 78°C must be reached. In France, for example, these values can be set differently. The location of the cooking equipment can be detected automatically, for example with the aid of a locating system, so that a presetting of the parameters specifically for a country can occur automatically.

With regard to amended Claim 1, Juergen does not disclose "an input configured to receive information regarding at least one of the geographic location of the cooking device and a selectable operating language of the cooking device" and "a control element [that] is configured to . . . automatically preset the cooking parameter as a function of the geographic location of the cooking device and/or as a function of a selected operating language of the cooking device."

In fact, Juergen even leads in a different direction by teaching the skilled person that it is sufficient to solely change the language of a term when using a cooking oven in a different country. In contrast, it is the unique perception of the present application that, by a country selection for example, different cooking outcomes can be automatically obtained to fulfill the

needs of customers in different locations, e.g., when it comes to the internal cooking temperature of meat which strongly depends on the country where the meat is served.

Wolfgang does not overcome the deficiencies of Juergen. Wolfgang is another example of a prior art reference that deals with the language of terms on a display. Attention is directed, for example, to Figure 1 of Wolfgang. In Germany, for example, the term "Rinderbraten" would be used whereas in Great Britain, the term "roast beef" would be used. However, selecting a display language of a term as disclosed in Wolfgang has no influence on the cooking environment in the device.

According to Wolfgang, the selected language may be used to determine the order in which information, such as cooking programs, are displayed on a display, but determining the order of display has no influence on the result of the cooking programs that are implemented by the device. In contrast, the present application describes how the location and/or language used with a cooking device influences the environmental condition of food being cooked in the cooking device. The "cooking parameter" that is automatically preset as a function of the location of the cooking device and/or as a function of a selected operating language of the cooking device is a parameter that "defines an environmental cooking condition inside the cooking device for the predetermined cooking program or predetermined cooking mode of operation."

A *prima facie* case of obviousness may be established under Section 103 if "all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2009); M.P.E.P. § 2143. Applicants respectfully assert that the combination of Juergen and Wolfgang as indicated in the Office Action fails to establish a *prima facie* case of obviousness because not all of the elements of amended Claim 1 were known in the art.

For at least the above reasons, amended Claim 1 is both novel and nonobvious over the combination of Juergen and Wolfgang. The rejection of Claim 1 should be withdrawn and the claim allowed.

Furthermore, for at least their dependency on allowable Claim 1, Claims 2, 4, 19-22, 24, and 26-29 should be allowed. The disclosures of Belt and Yasuda do not overcome the deficiencies discussed above with respect to Juergen and Wolfgang.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. Early action to that end is respectfully requested. Should any issues remain that need to be addressed prior to allowance, the Examiner is invited to contact the undersigned counsel by telephone.

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